

ESTTA Tracking number: **ESTTA566060**

Filing date: **10/21/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Genesco Brands, Inc.
Granted to Date of previous extension	10/20/2013
Address	300 Delaware Avenue9th Floor Wilmington, DE 19801 UNITED STATES

Attorney information	Nichole D. Chollet Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, Ste 2800 Atlanta, GA 30309-4528 UNITED STATES tlord@kilpatricktownsend.com, tmadmin@ktslaw.com, lcrumbley@ktslaw.com, jshanks@ktslaw.com, tibrown@ktslaw.com, nchollet@ktslaw.com Phone:404-815-6500
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Applicant Information

Application No	79115205	Publication date	04/23/2013
Opposition Filing Date	10/21/2013	Opposition Period Ends	10/20/2013
International Registration No.	1122224	International Registration Date	03/15/2012
Applicant	molo kids A/S Baltikavej 20, 1 DK-2100 Copenhagen Å# DENMARK		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Children's and infants' apparel, namely, shirts, pants, jackets, jumpers, shorts, tops, sweaters, blouses, robes, dresses, underwear, sleepwear, pyjamas, cloth bibs, bathing suits, footwear, hats, mittens, and scarves
Class 035. All goods and services in the class are opposed, namely: Retail and wholesale store services featuring clothing for children and infants, namely, shirts, pants, jackets, jumpers, shorts, tops, sweaters, blouses, robes, dresses, underwear, sleepwear, pyjamas, cloth bibs, bathing suits, footwear, hats, mittens, and scarves

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2054259	Application Date	10/24/1995
Registration Date	04/22/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1987/12/31 First Use In Commerce: 1987/12/31 shoes and clothing, namely, shirts, T-shirts, sweatshirts, jackets, [pants, shorts,] socks and hats		

U.S. Registration No.	3232063	Application Date	04/10/2001
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/12/31 First Use In Commerce: 1987/12/31 retail store services in the fields of footwear, apparel, backpacks, sports bags, jewelry and fashion accessories		

Attachments	Molo_Notice of Opp.pdf(267195 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nichole Davis Chollet/
Name	Nichole Davis Chollet
Date	10/21/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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GENESCO BRANDS INC.)	
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)	
Opposer,)	
)	Serial No.: 79/115,205
v.)	Opposition No. _____
)	
MOLO KIDS A/S,)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Genesco Brands Inc. will be damaged by registration in International Classes 25 and 35 of the mark and design shown in application Serial No. 79/115,205 and states the following grounds under 15 U.S.C. § 1063 and 37 C.F.R. §§ 2.101 and 2.104 for its opposition to that application:

1. Opposer Genesco Brands, Inc. is the owner and licensor of the trademark JOURNEYS, alone and in conjunction with other words and designs, used in connection with a well-known chain of over seven hundred JOURNEYS and JOURNEYS KIDZ retail stores located in major shopping malls throughout the United States, which are owned and operated by Opposer Genesco Brands, Inc.'s predecessor and exclusive licensee, Genesco Inc. (Opposer Genesco Brand Inc. and Genesco Inc. are collectively referred to as "Genesco"). The stores operating under the JOURNEYS trademarks sell a wide range of footwear, clothing, fashion accessories, novelties, bags, backpacks, and other goods in connection with the JOURNEYS marks.

2. The JOURNEYS stores and virtually all advertising for JOURNEYS stores prominently feature the design mark depicted below (the "Handprint Design Mark"), which is

owned by Genesco Brands Inc. By virtue of its use of the Handprint Design Mark, Genesco owns common-law rights in the design.



3. Genesco's Handprint Design Mark is used in connection with JOURNEYS stores and on point of purchase materials in connection with clothing, footwear, accessories, bags, novelties, and other products sold in those stores.

4. Genesco also owns federal Registration No. 2,054,259 of its Handprint Design Mark for "*shoes and clothing, namely, shirts, T-shirts, sweatshirts, jackets, socks, and hats*" in International Class 25. In addition, Genesco owns federal Registration No. 3,232,063 of its Handprint Design mark for "*retail store services in the fields of footwear, apparel, backpacks, sports bags, jewelry and fashion accessories*" in International Class 35.

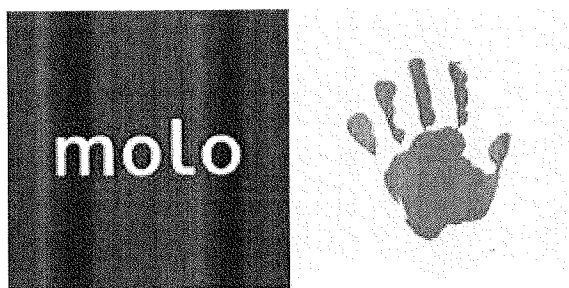
5. Genesco has used its Handprint Design Mark in commerce in connection with the advertising, promotion, distribution, and sale of footwear and clothing and other goods, as well as retail store services, since at least as early as December 31, 1987.

6. By virtue of the continuous and extensive advertising of the Handprint Design Mark in connection with JOURNEYS stores and the products sold therein, and of the extensive sales under the mark for over 20 years, Genesco's Handprint Design Mark is widely and favorably known by the public throughout the United States.

7. Genesco's Handprint Design Mark is symbolic of the substantial goodwill and consumer recognition established by Genesco as a result of the outstanding quality and extensive sales of products through its retail stores throughout the United States for many years. Genesco

has expended large amounts of money, time, and effort in advertising and promoting such goods and services under the Handprint Design Mark. By reason of Genesco's extensive use and advertising of the Handprint Design Mark and resulting favorable public recognition, the Handprint Design Mark uniquely identifies Genesco and its retail stores and related products and services to the public. As such, Genesco has acquired extensive rights in the Handprint Design Mark in connection with its retail store services and with footwear, clothing and other goods.

8. Applicant Molo Kids A/S ("Applicant") filed application Serial No. 79/115,205 on March 15, 2012 to register the mark MOLO & Handprint Design ("Applicant's MOLO & Handprint Design Mark"), which is reproduced below:



Applicant's MOLO & Handprint Design Mark, which was published for opposition in the Official Gazette on April 23, 2013, is for use in connection with "*children's and infants' apparel, namely, shirts, pants, jackets, jumpers, shorts, tops, sweaters, blouses, robes, dresses, underwear, sleepwear, pajamas, cloth bibs, bathing suits, footwear, hats, mittens, and scarves*" in International Class 25 and "*retail and wholesale store services featuring clothing for children and infants, namely, shirts, pants, jackets, jumpers, shorts, tops, sweaters, blouses, robes, dresses, underwear, sleepwear, pajamas, cloth bibs, bathing suits, footwear, hats, mittens, and scarves*" in International Class 35.

9. Genesco continuously has used its Handprint Design Mark long before the March 15, 2012 filing date of Applicant's application and the claimed March 8, 2012 priority date of Applicant's application.

10. Applicant's MOLO & Handprint Design Mark prominently incorporates a handprint design that is virtually identical in appearance and commercial impression to Genesco's Handprint Design Mark.

11. Applicant's MOLO & Handprint Design Mark is proposed to be used with goods and services in International Classes 25 and 35 that are identical to the goods and services Genesco offers under its Handprint Design Mark.

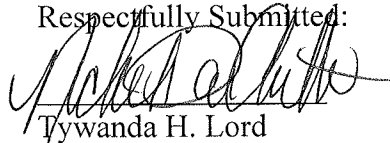
12. Genesco will be damaged by the registration of Applicant's MOLO & Handprint Design Mark in International Classes 25 and 35 because the mark so resembles Genesco's previously used Handprint Design Mark as to be likely to cause consumer confusion, mistake and deception. Consumers familiar with Genesco's Handprint Design Mark would be likely, erroneously, to believe that Applicant's goods and services are those of Genesco or are endorsed, sponsored, or licensed by Genesco. Thus, registration of Applicant's MOLO & Handprint Design Mark on the Principal Register would be inconsistent with Genesco's rights in its Handprint Design Mark.

13. The opposition fee in the amount of \$600 for the opposition against Application Serial No. 79/115,205 in International Classes 25 and 35 is filed herewith. The Director is authorized to debit KILPATRICK TOWNSEND & STOCKTON LLP's Trademark Deposit Account No. 20-1430 for any deficiency in the required fee.

Opposer Genesco Brands Inc. therefore requests that application Serial No. 79/115,205 be refused registration.

Date: October 21, 2013

Respectfully Submitted:



Tywanda H. Lord
Nichole Davis Chollet
Jaclyn T. Shanks

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Attorneys for Opposer

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being filed electronically through the U.S. Patent and Trademark Office's ESTTA system on October 21, 2013.

BY:



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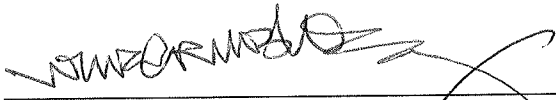
GENESCO BRANDS INC.)	
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Opposer,)	
)	Serial No.: 79/115,205
v.)	Opposition No. _____
)	
Molo Kids A/S,)	
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Applicant.)	

CERTIFICATE OF SERVICE

This is to certify that the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant by depositing a true and correct copy in the first class mail, postage pre-paid, addressed as follows:

Bassam N. Ibrahim
Buchanan Ingersoll & Rooney, PC
P.O. Box 1404
Alexandria, Virginia 22313-1404

This 21st day of October, 2013.



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